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Attorneys for Plaintiff
DEENA DEARDURFF SCHMIDT

IN THE UNITED STATES DISTRICT COURT FOR THE

SOUTHERN DISTRICT OF CALIFORNIA

DEENA DEARDURFF SCHMIDT, Plaintiff, v. BOARD OF TRUSTEES OF THE CALIFORNIA STATE UNIVERSITY, SAN DIEGO STATE UNIVERSITY, JEFF SCHEMMEL, DOES 1-15, Defendants.	CASE NO. 07-CV-2343DMS(WMC) DISCOVERY PLAN

Counsel for the parties propose the following discovery plan under Rule 26(f):

(A) Changes in timing, form, or requirements for Rule 26(a) disclosures, including a statement of when initial disclosures will be made:

(1)(a)(ii) - Counsel will provide copies to opposing counsel of all disclosure documents, not "a description by category and location," except for documents not under a party's custody and control. Initial disclosures will be made on or before February 29, 2008.

(B) The subjects on which discovery may be needed, when discovery should be completed, and whether discovery should be conducted in

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phases or be limited to or focused on particular issues:

Subjects of discovery: Counsel plan to conduct discovery on all issues framed by the pleadings, in particular:

- gender equity/inequity in SDSU intercollegiate athletics, including SDSU swimming and diving program, and commitments, if any, made to Schmidt;
- whether Schmidt engaged in protected activity under Title 9 and/or the Calif. Govt Code. This subject will include all conversations between Schmidt and/or her representatives and SDSU Athletic Directors;
- whether Schmidt occupied a protected class(es)and if so which ones, including details of her physical condition and abilities;
- who was the decision maker regarding Schmidt's employment terms, including 2006-7 contract, compensation, and 2007 termination/non-renewal;
- knowledge of decision maker of protected activity, if any, by Schmidt;
- motivation of decision maker for limiting contract, setting level of compensation, and non-renewal of contract of Schmidt;
- Schmidt's performance, including her record, retention, and recruitment;
- Schmidt's communications with her team;
- swimming and diving team morale, including parental concern;
- damages;
- mitigation;
- impeachment of all witnesses.

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Completion date: Counsel propose that all discovery be completed by December 31, 2008, including experts.

(C) Issues about disclosure or discovery of electronically stored information, including the forms or forms in which it should be produced:

Counsel will meet and confer to agree to a protocol to search electronic memory by key words. Locations to be searched (desk and lap tops) include: Athletic Directors; Assoc. Athletic Directors; Athletic Directors' staff, including secretaries; Human Resources (those involved in the Athletic Dept., gender equity in the athletic program, and Schmidt's terms and conditions of employment, including termination), the Senior Women's Administrators from 1994-May 2007, Courtney Bale, the head trainer (name presently unknown), the Athletic Department doctor, Rahn Sheffield, Eric Huth, office of facilities, and all decision makers and those persons with input into the decisions regarding Schmidt's 2006-7 contract, 2006-7 compensation, and termination/non-renewal of contract in 2007 (these persons include R. Thaler and K. Van Wyk). Copies of electronic memory will be disclosed in hard copy form unless voluminous, at which time it may be disclosed by compact disk.

(D) Claims of privilege/work product: Counsel will provide to opposing counsel a meaningful privilege log at the same time as disclosures and responses to discovery requests are made.

(E) Changes should be made in the limitations on discovery imposed by FRCP or local rule, and what other limitations should be imposed: At this time, counsel do not propose any changes.

(F) Any other orders the court should issue: Counsel request that

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the court order that all persons who participate in settlement discussions, in or out of court, keep those discussions confidential.

Dated: 2.22.08

Thomas Tosdal
For Plaintiff

Dated: 2-22-08

Richard Paul
Kari Searles
For Defendants

ORDER

The above described discovery plan is the order of the Court unless and until modified by the Court.

Dated

Hon. William McCurine, Jr.
U.S. Magistrate Judge

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